

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MAY 5 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

In the Matter of: JOHN FELIX  
CASTLEMAN, Sr.; KIMBERLY KAY  
CASTLEMAN,

Debtors,

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JOHN FELIX CASTLEMAN, Sr.;  
KIMBERLY KAY CASTLEMAN,

Appellants,

v.

DENNIS LEE BURMAN, Chapter 7  
Trustee,

Appellee.

No. 22-35604

D.C. No. 2:21-cv-00829-JHC  
Western District of Washington,  
Seattle

ORDER

Before: HAWKINS, TALLMAN, and IKUTA, Circuit Judges.

At oral argument, the parties shall be prepared to address whether the Ninth Circuit's holdings in *Wilson v. Rigby*, 909 F.3d 306, 309 (9th Cir. 2018), and *In re Reed*, 940 F.2d 1317, 1323 (9th Cir. 1991), that property appreciation benefits the bankruptcy estate, is partially modified in a Chapter 13 case by 11 U.S.C. § 1327(b)

(“Except as otherwise provided in the plan or the order confirming the plan, the confirmation of a plan vests all of the property of the estate in the debtor”), so that (1) any appreciation to property from the time of Chapter 13 filing to plan confirmation benefits the estate; (2) upon revesting in debtor, any appreciation benefits the debtor from the date of plan confirmation until the date of conversion, and (3) upon conversion to Chapter 7, any additional appreciation benefits the estate. *See Rodriguez v. Barrera (In re Barrera)*, 22 F.4th 1217, 1223-23 (10th Cir. 2022).

SO ORDERED.